

Immigration and Refugee Board of Canada

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Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website.

11 September 2012

MEX104169.E

Mexico: Situation of organized crime; police and state response including effectiveness; availability of witness protection

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. General Situation and Statistics

According to a UN Human Rights Council (UNHRC) report, Mexico has a "complicated public security situation due to the rise in violence, which stems mainly from organized crime" (UN 20 Dec. 2011, [para. 16](#)). A US Overseas Security Advisory Council (OSAC) report also indicates that, besides drug trafficking, TCOs [transnational crime organizations] are using extortion, robbery, kidnapping and piracy of goods to finance their operations (US 9 Feb. 2012, 3). The UNHRC also includes trafficking in persons as an activity of organized criminal groups in Mexico (UN 20 Dec. 2011, [para. 16](#)).

Sources indicate that organized crime syndicates are present in all the states (Sin Embargo 20 Aug. 2012; *EI Universal* 2 Jan. 2012). Based on research completed by the Institute of Citizens' Action for Justice and Democracy (Instituto de Acción Ciudadana para la Justicia y la Democracia AC., IAC), a civil association composed of professionals who do research and analysis on justice-related issues (IAC n.d.), the president of the Institute stated that the infrastructure of organized crime in Mexico is [translation] "apparent, open, and notorious" (*EI Universal* 2 Jan. 2012). He stressed that in many cases there is political complicity with organized crime and that these groups operate [translation] "under the nose of the police, politicians and all kinds of authorities" (*ibid.*). The president also indicates that the IAC study shows that organized crime control over Mexican municipalities has gone from 34 percent in 2001, to 53 percent in 2006, to 71.5 percent in 2011 (*ibid.*). The study also indicates that [translation] "organized crime infrastructure" has diminished in the states of Mexico and Michoacán and is moving to the states of Chiapas, Tamaulipas and Nuevo León (*ibid.*).

1.1 Regional Variations

According to sources, organized crime-related violence has been spreading to many areas of the country (*EI Universal* 2 Jan. 2012; InSight 16 July 2012). InSight, a web portal on organized crime in the Americas, explains that criminal organizations are expanding to "untouched" municipalities as an opportunity to profit from crimes such as kidnapping and extortion (3 Jan. 2012). Another InSight article reports that, as organized crime violence decreased in the states of Chihuahua and Nuevo León in June 2012, it increased to unprecedented levels in the neighbouring state of Coahuila (16 July 2012). However, the *Los Angeles Times* reports that the city of Monterrey, Nuevo León, is said to be "'falling' to organized crime" as evidenced by the shootouts, armed robberies, widespread cases of extortion, unofficial curfews, and the "exodus" of professionals, artists and businesspeople to Mexico City and Texas (3 Apr. 2012). The *New York Times* also reports that in the state of Veracruz, drug violence has "exploded" in 2011 (22 June 2012).

1.2 Rivalries and New Drug Trafficking Organizations

Sources indicate that as the state concentrates its fight against well-established cartels, smaller groups have started to take their place (Al Jazeera 5 Nov. 2011; US 7 Mar. 2012). The OSAC report indicates that the Gulf cartel and the Zetas experienced "small fissures" that broke out in January 2010 (US 9 Feb. 2012, 3). The *New York Times* also reports the struggle between the Zetas and the Sinaloa cartel for dominance in Veracruz state (22 June 2012).

Sources report that the Zetas cartel is experiencing an internal split caused by a struggle between its two main leaders "Z-40" and "Lazcano" (*Proceso* 19 July 2012; CSM 26 July 2012).

Sin Embargo, a digital news source based in Mexico, reports that it is unclear how many organized crime groups operate in the country, but highlights that during the Calderón's presidency, these organizations grew from 7 to at least 25 (20 Aug. 2012). It also reports that new organizations are specializing in kidnapping, extortion and trafficking in people and are not necessarily involved in drug trafficking (20 Aug. 2012). InSight reports that opportunities for profiting from kidnapping and extortion have been reflected in the surge of new regional gangs (3 Jan. 2012). For example, sources report the existence of La Barredora drug cartel in Acapulco which is composed of "at least" 100 people who are dedicated to drug trafficking, assassinations (*Latin American Herald Tribune* 18 Oct. 2011; Al Jazeera 5 Nov. 2011) and kidnapping (ibid.). Another group is the Independent Cartel of Acapulco, which emerged after the dismantling of larger criminal structures and is connected with extortion of businesses and assassinations (InSight 6 Dec. 2011).

Sources report the fight between La Barredora drug cartel and the Independent Cartel of Acapulco for the local control of drug trafficking in Acapulco, triggering a rise in crime (*Latin American Herald Tribune* 18 Oct. 2011; Al Jazeera 5 Nov. 2011). According to the *Latin American Herald Tribune*, a Caracas-based news portal, murder rates in Acapulco increased by 357 percent from January to September 2011, making it the second most violent city after Ciudad Juárez (18 Oct. 2011).

Sources indicate that, according to a report by *Reforma*, a Mexico City-based subscription newspaper (*Reforma* n.d.), on May 2010 the organization Mano con Ojos was created by members of the Beltrán Leyva cartel to control the [translation] "Valley of Mexico" (Univisión 13 July 2012; *Animal Político* 13 July 2012), which refers to the Federal District and the State of Mexico (Mexico 28 Aug. 2012). Sources report that the group Mano con Ojos is linked to more than 60 executions (ibid.; *Diario Provincia* 13 July 2012).

Agencia EFE reports that the Spanish police and the US Federal Bureau of Investigation (FBI) captured four members of the Sinaloa cartel who attempted to establish a base in Spain to introduce drugs into Europe (10 Aug. 2012).

1.3 Homicides

Animal Político, a Mexico-based digital newspaper (*Animal Político* n.d.), reports that the government of Calderón decided to keep the information on statistics on the number of deaths from the war on drugs confidential (ibid. 4 Jan. 2012). The article indicates that, according to the Attorney General's Office (Procuraduría General de la República, PGR), these statistics are [translation] "confidential for reasons of national security" (ibid.). However, on 3 July 2012, the PGR released the number of deaths related to organized crime from January to September 2011 (Mexico 3 July 2012). The seven cities with the highest number of deaths are:

City, State	Number of Deaths (Jan.-Sep. 2011)
Ciudad Juárez, Chihuahua	1,206
Acapulco de Juárez, Guerrero	795
Torreón, Coahuila	476
Chihuahua, Chihuahua	402
Monterrey, Nuevo León	399
Durango, Durango	390
Culiacán, Sinaloa	365
Total Nationwide	12,903

(ibid.).

According to the US *2012 International Narcotics Control Strategy Report* (INCSR) for Mexico, there was a 20 percent increase in drug-related assassinations between 2010 and 2011, from 11,583 in 2010 to 13,000 between January and October 2011 (US 7 Mar. 2012). Sources indicate that since president Calderón launched his "war" on drugs in 2006, between 45,000 (Al Jazeera 5 Nov. 2011) and nearly 50,000 have died in drug-related killings (CBC 5 Mar. 2012). Al Jazeera reports the assassination of "at least" eight people and the injury of seven in the city of Culiacán, Sinaloa, while they were playing volleyball (5 Nov. 2011). The OSAC report indicates that in Monterrey, civilians have been caught in the crossfire as a result of confrontations among cartels or between cartels and authorities (US 9 Feb. 2012, 5). Sources report that in August 2011, drug traffickers set fire to the Casino Royale in Monterrey, killing 52 people (*Los Angeles Times* 3 Apr. 2012; US 9 Feb. 2012, 5). CBC reports that the authors of the blazing were the Zetas after an extortion fee was not paid (5 Mar. 2012).

Sources also report the discovery of 49 decapitated bodies on 13 May 2012 in a highway outside Monterrey (InSight 13 May 2012; CNN 17 May 2012). According to CNN, the area is not far from a stronghold of the Zetas that is being disputed by the Gulf cartel (17 May 2012) and their allies, the Sinaloa cartel (InSight 13 May 2012). According to InSight, the Zetas-Sinaloa conflict is not limited to the city of Nuevo Laredo and is expanding throughout Mexico (ibid.).

The UNHRC reports that organized criminal groups have been involved with enforced disappearances, alongside security forces (UN 20 Dec. 2011, para. 17). According to the report, more than 3,000 people have been victims of enforced disappearance in Mexico since 2006 (ibid., para. 20). Among the identified victims of this crime are women, migrants, human rights advocates and journalists (ibid., para. 66). Sources report the detention in 2009 of a person also known as "El Pozolero" (the Stew Maker) who worked for the Tijuana cartel and is responsible for the disappearance of more than 300 persons by dissolving their bodies in a mixture of water and caustic soda (*El Universal* 25 Jan. 2009; *Proceso* 19 Dec. 2011).

1.4 Kidnapping

According to the OSAC report, kidnapping is "widely underreported" in Mexico since civilians mistrust police authorities (US 9 Feb. 2012, 4-5). The report cites a case where a jail from a local police department in Monterrey was used to keep 17 kidnapping victims for an unknown period of time (ibid., 5). Kidnapping gangs often operate under the protection of transnational crime organizations (ibid.).

1.5 Trafficking in Persons

According to a July 2011 Federal District Human Rights Commission (Comisión de Derechos Humanos del Distrito Federal, CDHDF) report on the rights of immigrants in Mexico, the growth of organized crime groups has worsened the conditions of migrants who travel across Mexico (Distrito Federal July 2011, 2). According to the CDHDF, given the control that drug trafficking organizations have over both southern and northern Mexican borders, migrants are being subjected to kidnapping and trafficking in persons (ibid., 3). The UNHRC report also indicates that many of the migrants who travel across Mexico are victims of abduction and extortion by criminal groups (UN 20 Dec. 2011, para. 69). According to a representative from the Latin American Observatory against People Trafficking, Mexico has become a "'paradise' for those involved in this type of crime" (*Latin American Herald Tribune* 25 July 2012).

1.6 Attacks against the Media

According to *The New York Times*, Veracruz is the most dangerous state for reporting news related to organized crime violence (*The New York Times* 22 June 2012). The article indicates that nine journalists were killed in the last year and a half, including a journalist whose body was dumped on a downtown street with the sign "'[T]his is what happens to those who betray us and want to be clever, sincerely the Zetas'" (ibid.). Amnesty International (AI) further reports on the 3 May 2012 assassination of three photographers who covered organized crime in Veracruz, as well as the assassination of a *Proceso* newspaper correspondent on 28 April 2012 in Xalapa, Veracruz (AI 21 May 2012). *The New York Times* also reports that journalists are choosing to report official versions of crimes only, and have denounced that organized criminal organizations are coercing them to report, or not report, certain episodes (ibid.). AI indicates that *El Mañana* newspaper in the border city of Nuevo Laredo ceased to cover organized crime-related news after its offices were attacked (AI 21 May 2012).

2. State Response

According to a PGR report, the main strategies that the government has taken to fight organized crime include:

- 25 drug eradication operations;
- operations against organized crime in the majority of Mexican states;
- the detention of 752 persons in Chihuahua dedicated to crimes such as extortion, homicide, and drug trafficking;
- seizure of drugs, synthetic drugs and chemicals;
- the detention of 24,616 persons nationwide for drug trafficking;
- seizure of 19,547 vehicles, 57 maritime vehicles, 44 aircrafts, 10,806 handguns, and 20,612 long guns;
- and the dismantling of 185 labs for the processing of narcotics (Mexico 7 Sept. 2011, 36-38).

The report also indicates that during [translation] "Operation Cleanliness" (Operación Limpieza), an operation dedicated to "investigate the infiltration of organized crime syndicates in security and justice institutions," an agent of the Investigation Federal Agency (Agencia Federal de Investigación, AFI) was detained for transmitting information to criminal organizations (ibid., 41). With regard to kidnapping, the PGR report indicates that from September 2010 to 31 July 2011, 1,774 kidnapping victims were released, 1,410 kidnappers were detained, and 239 kidnapping gangs were dismantled (ibid., 43). The document also indicates that, between September 2010 and 31 July 2011, federal authorities dismantled seven organizations dedicated to trafficking in minors, detaining 121 people and rescuing 33

minors (ibid., 45).

Sources report the launch in October 2011 of [translation] "Operation Safe Guerrero" to tackle organized crime in that state and in the city of Acapulco (*Latin American Herald Tribune* 18 Oct. 2011; *El Universal* 6 Oct. 2011). The operation had the participation of the military, the navy, and the federal police, under the direction of the Ministry of Public Security (Secretaría de Seguridad Pública) (ibid.). Sources report that during this operation, one of the leaders of La Barredora drug cartel was arrested on 4 November 2011 (Al Jazeera 5 Nov. 2011; CNN 4 Nov. 2011). Sources also report the detention of another leader of the same criminal group on October 2011 under the same operation (*Latin American Herald Tribune* 18 Oct. 2011; *El Mundo* 19 Oct. 2011). InSight reports the detention of the leader of the Independent Cartel of Acapulco alongside five other members, and the seizure of vehicles, armoured vests, a pistol, two assault rifles, and small amounts of cocaine and marijuana (6 Dec. 2011). Also, Reuters reports the detention of the leader of the criminal group Mano con Ojos, who was responsible for approximately 600 homicides (11 Aug. 2011). *Excelsior*, a Federal District-based newspaper, reports the detention of the succeeding leader of Mano con Ojos, who admitted to the assassination and decapitation of at least ten people (2 Mar. 2012). The same source indicates that authorities have arrested at least 20 members of this organization (ibid.).

With regard to crimes against journalists, the Committee to Protect Journalists (CPJ) reports that the Mexican Congress has enacted a constitutional amendment to allow federal authorities "to investigate and punish crimes against journalists or persons or installations when the right to information or the right to expression is affected" (7 June 2012).

The US INCSR Report also indicates that among the institutional developments to fight drug trafficking are: an increase of the federal police force from 11,000 in 2006 to 35,000 presently, an increase in the 2012 security budget of 10.7 percent from 2011, and the passing of a new anti-money laundering law pending approval from the lower house (US 7 Mar. 2012).

3. Effectiveness

With regard to enforced disappearances, the UNHRC reports that some cases are not considered as such and are catalogued as "missing" or "lost" (UN 20 Dec. 2011, para. 18). The report also indicates that impunity for this crime is a major challenge for Mexico, with less than 25 percent of cases denounced and only 2 percent resulting in convictions (ibid., para. 32). The report further indicates that relatives of victims of enforced disappearances have been subject to intimidation and threats when they insist that a proper investigation be carried out (ibid., para. 33). The report concludes that the country does not have a comprehensive policy to address the issue of enforced disappearances, including search for victims, identification of remains, and body exhumations (ibid., para. 45).

Sources report that municipal forces in northern Mexico have resigned their posts after being threatened by criminal organizations (*Norte Digital* 19 July 2012; *The Telegraph* 5 Aug. 2011; *Financial Times* 27 Oct. 2010). Sources report that the police force in San Francisco de Conchos, Chihuahua, resigned alleging lack of security conditions (InSight 19 July 2012; *Norte Digital* 19 July 2012). In 2011, an entire police force of 26 officers resigned their posts in the town of Ascensión, Chihuahua, after being threatened by criminal groups (*El Universal* 18 July 2012; *The Telegraph* 5 Aug. 2011). Sources also report that in October 2010, the entire police force in the town of Los Ramones, Nuevo León, resigned after gunmen attacked its headquarters (*Financial Times* 27 Oct. 2010; *New York Daily News* 27 Oct. 2010). *The Telegraph* reports that in 2009 the entire police force of Villa Ahumada, Chihuahua, also resigned after being attacked by drug gangs (5 Aug. 2011).

According to sources, president Calderón's efforts against drug trafficking have not been effective due to corruption within the Mexican police and the coercion drug cartels exert upon the police corps (CBC 5 Mar. 2012; see also US 7 Mar. 2012). The US INCSR Report indicates that "[s]tate and municipal police have been implicated in the press and social media for facilitating the movement of drugs or contraband, as well as impeding federal or military enforcement operations" (ibid.). According to the president of the IAC, organized crime structures infiltrated different levels of government to the point that [translation] "no police officer acts independently" from these syndicates (*El Universal* 9 July 2012). Sources report that the federal police replaced all 348 police officers assigned to Mexico City international airport security (AP 21 Aug. 2012; *TeleSur* 20 Aug. 2012). According to the same sources, this replacement came after three officers were assassinated in June 2012 by two fellow officers believed to be involved in a drug-trafficking ring operating inside the airport (ibid.; AP 21 Aug. 2012).

4. Witness Protection Programs

El Universal, a Mexico City-based newspaper, reports that the director of the Office of Overseas Prosecutorial Development, Assistance and Training at the US Embassy in Mexico indicated that [translation] "the Mexican witness protection program requires new legislation that provides it with more resources, training and, above all, that protection measures to witnesses be granted immediately and, if necessary, extended to family members" (8 Apr. 2012). Sources report that on April 2012, the Chamber of Deputies (Cámara de Diputados) approved the Federal Law to Protect Persons Involved in Criminal Proceedings (*Ley Federal para la Protección a Personas que Intervienen en el Procedimiento Penal*) to provide witness protection to people who provide information to authorities (*El Universal* 27 Apr. 2012; *El Norte* 28 Apr. 2012). *El Norte*, a Monterrey-based newspaper (ibid. n.d.), cites the president of the

Justice Commission of the Chamber of Deputies as saying in April 2012 that [translation] "the current witness protection program has failed" and that a new law would address its deficiencies (ibid. 28 Apr. 2012). In June 2012, *Milenio*, a Mexico City-based newspaper, reports that the federal government issued a decree that puts in practice the Federal Law to Protect Persons Involved in Criminal Proceedings (7 June 2012). The Law indicates the following with regard to beneficiaries of this program:

[translation]

ARTICLE 15. Pursuant to article 2 (IX and X) hereof, the following may be included in the Program:

- a. Victims.
- b. Aggrieved parties.
- c. Witnesses.
- d. Cooperating witnesses.
- e. Experts.
- f. Police.
- g. Public prosecutors, judges and members of the Judiciary.
- h. Persons who cooperated effectively in the investigation or in the trial.
- i. Other persons who are related or close to those mentioned in the previous paragraphs and whose collaboration or participation in criminal proceedings causes an imminent threat or risk for them.

ARTICLE 17. The assistance measures may be:

- I. Psychological, medical and/or health-related assistance and/or treatment, in regular form and as necessary through assistance and public health services ...
- II. Free legal assistance and advice ...
- III. Assistance with procedural matters.
- IV. Financial support for housing, transportation, food, communication, health care, relocation, employment, paperwork, security systems, housing adjustments and other essential costs, inside or outside the country, while the person is unable to obtain them on his/her own. The financial assistance will continue only for as long as determined by the Director, in accordance with the technical study and the evaluation of the circumstances which justified granting support.
- V. Any other assistance measure that, depending on the circumstances, is considered necessary to provide persons in the Program with physical and psychological assistance.

ARTICLE 18. The security measures, in addition to those provided in other legislation, may include any of the following:

- I. Safeguarding the following aspects of personal integrity:
 - a. Physical.
 - b. Psychological.
 - c. Material.
 - d. Domestic.
- II. Surveillance.
- III. Means and mechanisms to take protected persons to various places safely at all times.
- IV. Police custody and mobile and/or home-based staff for protected persons for whom the Unit is responsible; however, in emergencies under article 21 hereof, the Public Prosecutor may request the support of his assistants under the terms of article 22 of the Law establishing the Office of the Attorney General of the Republic.
- V. Provide the person with temporary accommodation or funds for transportation, food, communication, health care, relocation, employment, personal matters and other things required to meet his/her obligations, security systems, housing adjustments and other essential costs, inside or outside the country, while the Protected Person is unable to obtain them on his/her own.
- VI. Facilitate relocation, i.e. changing the person's address and/or residence, workplace and educational institution.
- VII. In cases where it is justified, with the Prosecutor's agreement, depending on the circumstances, authorization may be granted for the competent authorities to give the Protected Person a new identity, together with the supporting documentation.
- VIII. During the trial, the Public Prosecutor may request the following procedural measures:

- a. Concealing the Protected Person's identity in proceedings in which he/she is involved, banning any express mention of his/her given names, family names, home address, workplace, occupation or any other piece of information that would call attention to him/her under the terms of the applicable legislation.
- b. Use of methods that make it impossible to identify the person by sight or hearing in the proceedings in which he/she is involved. This measure must not prevent the proper defense of the accused.
- c. Use of mechanical or technological procedures whereby the person can participate off site and remotely.
- d. Use of the Centre as the person's home address.
- e. Other measures which the Centre may deem appropriate to ensure the person's safety.

... (Mexico 2012)

Information on the implementation of the Law could not be obtained by the Research Directorate among the sources consulted within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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Date modified: 2013-07-17

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